

Ijtihadaat Related to Change

Difference between Actions of State and Individual

After the Muslims had sensed the bad situation that they were living, the aware from amongst them began to rally towards changing this reality. The sensations of revival upon the basis of Islam began to flow within them and as a result many political parties and groups are formed for the purpose of bringing change. However, they began to proceed upon a number of different paths and contradicted many of the Ahkaam Shar'iyah methodology. This difference and contrast resulted from the imprecise Ijtihad that they had arrived at. Some viewed that society is an Islamic society that has flaws. As such it is in a need of reformation and not change (Revival). They, therefore, began to undertake actions of reform such as providing assistance and help to the poor, orphans and those in need; building schools, hospitals; calling for the rectification of the individuals morals; calling people to the worships (Ibadat) and to the observation of the Sunnah; writing and publishing Islamic books and Islamic culture and preaching and guiding people to the truth. They were illusionary and they made others illusionary taking them away from proceeding upon the correct path.

Understanding the difference between undertaking actions that are specific to the State as a State and undertaking actions that are specific to the individual as an individual will clarify that above mentioned actions resulted from an imprecise Ijtihad that have no relationship with the vital issue of the Muslims, and consequently they would be unable to achieve the goal which Muslims must work to achieve, i.e. establishing the Khilafah and bringing back the rule with what Allah (swt) has revealed.

1) undertaking actions that are specific to the State as a State:

Many political parties, groups and organizations ask the carriers of the Da'wah to go to the people in their locations and to participate in the work of teaching the illiterate to read, to treat the sick so that they become healthy, to strengthen those who are stumbling until they can stand up right, to help the unemployed so that they can find work, to assist those in need until they can support themselves and to bring awareness to those who are backward so that they can move forward and progress. Based on that, they should set up committees to eradicate illiteracy and to collect the Zakaah and distribute it, and they should busy themselves with that which is within their capabilities like establishing Zakaah collection boxes, people's clinics, charitable hospitals and other such similar charitable acts.

Many of these actions are from the specific functionalities of the State and from its responsibilities towards its subjects. This is because the practical care-taking of the affairs of the people in the areas that have a relationship with the public life, within the State, falls under the responsibility of the ruler and not the Party (Hizb) or individuals. The engagement of the Hizb or Jamaa'ah in actions that are the responsibility of the ruler represents engaging in actions that are not its responsibility according to the Shar'a. This is from one angle and from another angle, it represents assisting the ruler whom it is intended to get rid of and change. This is because the Hizb engages in the care-taking that is obligatory upon the ruler to undertake which numbs the people, strengthens the authority of the ruler and extends the lifespan of his rule as a result.

It has not been related about the Messenger of Allah (saw), who is the best example for us, that he engaged in any act that was from the powers and responsibility of the ruler whilst in Makkah during the period of his Da'wah. When he passed by the family of Yaasir (ra) whilst they were being tortured he said to them: «صبرا ال ياسر فان موعدكم الجنة» **“Have patience O Family of Yaasir for verily your (promised) appointment is Jannah.”** (Ibn Ishaq /Ibn Hishaam).

He (saw) did not collect money from the Sahaabah (rah) in an attempt to free them and he did not order for this to be done. Rather Abu Bakr (ra), amongst others from amongst the

Sahaabah (ra), undertook this act as an individual in his capacity as a recommended act performed by the individual seeking the pleasure and reward of Allah (swt). Similarly the Messenger of Allah (saw) did not set up committees to remove oppression or poverty from the people or even from his Sahaabah (ra) but rather, he asked his Sahaabah to remain patient in the face of the harm that they suffered and to persevere firmly upon the Da'wah until the victory of Allah comes.

The collection of the Zakaah and distributing it, for example, is from the actions of the State and it is not from amongst the actions of the Hizb. If the State does not exist, whilst it is the body responsible for that, it is obligatory upon every Muslim who possesses the Nisaab to give the Zakaah himself to those who are deserving of it. The Zakaah committees do not fall under the principle of: 'That which is not fulfilled except with it, is (in itself) Waajib' because it is fulfilled without committees. The only thing in respect to the Zakaah that falls under this principle is the obligation to establish the Islamic State because the taking of the Zakaah from all those that are required to pay it cannot be completely fulfilled without it. It cannot be distributed upon all those that are in need of it and those who withhold it cannot be punished according to the Shar'a unless the Islamic State is present.

Similarly assisting those in need, treating the sick and providing help to the poor and orphans and amongst other acts of the same type are all the responsibilities of the State and they are not the responsibility of the Hizb or the individual. If, however, an individual undertook some of these acts irrespective of any affiliation he may have to a Hizb then his action is Mandoob and is deserving of reward. These acts, however, do not relieve the obligation of working to establish the State which is Fard and he would be sinful if he was to fall short in regards to it.

The Hizb or the Jamaa'ah that works to resume the Islamic life is not permitted to engage and busy itself in that which is the responsibility of the State and not from its own responsibilities. This is because the actions of the Tareeqah (methodology) for the resumption of the Islamic way of life must be taken from the Islamic legislative sources which are clearly related to the actions of carrying the Da'wah for the sake of accomplishing the aim that the work was made obligatory for. Otherwise, the busying of the Da'wah carriers in matters which do not realize its objective would lead to its failure. This is because it is a fundamental condition from amongst the conditions of victory for the carriers of the Da'wah to commit to the Shar'iyah rulings of the method.

Allah (swt) said ﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِن تَنصُرُوا اللَّهَ يَنصُرْكُمْ وَيُثَبِّتْ أَقْدَامَكُمْ﴾ **“O you who have believed, if you support Allah, He will support you and plant firmly your feet”** [Surah Muhammad 47:7]

Our support of the cause of Allah, therefore, dictates and demands from us that we follow what He (swt) has commanded us and in the way that He has commanded us to fulfil them.

Therefore, the actions that are required from the Hizb to resume the Islamic way of life are not the same actions that are required and demanded from the State and they are also not the same actions that have been demanded from the individual.

II) Undertaking actions that are specific to the individual as an individual:

Some of the Islamic political parties and groups have focused upon the actions of individuals and they have taken to calling to these actions, which include moral and charitable actions for the sake of resuming the Islamic way of life. They invite the people to be characterised with the Akhlaaq (morals) that Islam has commanded like truthfulness, integrity and trustworthiness amongst others and they invite them to cooperate in regards to the hardships in life that exist amongst them. This is so that the rich will give charity to the poor and the strong will help the weak from amongst them. Indeed this led them to collect money for the sake of assisting the poverty stricken and to build schools, Masaajid and hospitals.

They considered that the society was merely composed and made up of individuals and therefore if the individual was reformed and corrected, the society would then be reformed and corrected as a result. This is whilst in reality the society is composed of individuals, thoughts, emotions and systems and that it is essential to change the components of the society as a whole i.e. the individuals, thoughts, emotions and systems.

As such the actions that some Islamic groups and parties undertake, which fall under the scope and responsibility of the individual or the State, represent actions that are legislated and required from the individual and the State. However, they are not required Shar'aan (legislatively) from the Hizb or the Jamaa'ah that is working to resume the Islamic life. This is because Allah (swt) has entrusted each entity with a specific responsibility to undertake.

The Messenger of Allah (saw) said: «كُلُّكُمْ رَاعٍ، وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ، فَالْأَمِيرُ الَّذِي عَلَى النَّاسِ رَاعٍ، وَهُوَ مَسْئُولٌ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ، وَالرَّجُلُ رَاعٍ عَلَى أَهْلِ بَيْتِهِ، وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ، وَعَبْدُ الرَّجُلِ رَاعٍ عَلَى مَالِ سَيِّدِهِ، وَهُوَ مَسْئُولٌ» **All of you are shepherds. Each of you is responsible for his flock. An Imaam is a shepherd and is responsible for his flock. A man is a shepherd in respect to his family and is responsible for his flock. The woman is a shepherd in respect to her husband's house and is responsible for her flock. The servant is a shepherd in respect to his master's property and is responsible for his flock. All of you are shepherds and each of you is responsible for his flock.**” (Al-Bukhaari and Muslim).

In this Hadeeth, the Messenger of Allah (saw) has allocated the responsibility and it is a duty upon every shepherd to undertake his or her responsibility towards the flock that the Shar'a has specified for him or her. So the caretaking of the people's affairs is the responsibility of the ruler and the caretaking of the affairs of the household is the responsibility of the head of the household. So, for instance, Allah (swt) has commanded the Muslim as the head of the household to command the child to perform the Salaah at the age of seven and to discipline him at the age of ten if he abandons it. However, He (swt) did not command the father to cut the hand of his son if he stole or to kill him if he apostatised because the responsibility of applying the Hudood is not the responsibility of the individual rather it is the responsibility of the State alone.

The Messenger of Allah (saw) said in his capacity as the head of State: «أَنَا أَوْلَى بِكُلِّ مُؤْمِنٍ» **I am more entitled to (look after) every believer than himself. So whoever dies leaving a debt or children then their responsibility are upon me, and whoever leaves property it is for his heirs. And I am the protector (Mawla) of the one who has no relative to protect him. I inherit his wealth and release him of his misery**” [Bukhari/Muslim & Tirmizhi].

Therefore, the care-taking of the affairs of the poor and those in need is the responsibility of the State. This, however, is not a call to abandon undertaking charitable acts or to abandon abiding by the Ahkaam Ash-Shar'iyah in respect to obligatory and recommended acts. Rather it is only a call for every shepherd to undertake what Allah (swt) has requested for him towards his flock (area of responsibility). As such the Muslim in his capacity as an individual is required to pray and fast, to give Zakaah and Sadaqah, to help those in need and take care of the orphan amongst other acts that fall within the category of Fard, Mandoob and Ibaahah (obligation, recommendation and permissible). It is also required of him to work with a Jamaa'ah or Hizb to resume the Islamic way of life in compliance to the speech of Allah (swt): «وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَئِكَ هُمُ الْمُفْلِحُونَ» **And let there be, from amongst you, an Ummah that calls to the Khair (i.e. Islaam), orders the Ma'rouf and forbids the Munkar, and they are those who are successful.**” [Aale -'Imraan 3:104].

And due to the words of the Messenger (saw): «وَمَنْ مَاتَ وَلَيْسَ فِي عُنُقِهِ بَيْعَةُ مَاتَ مِيتَةً جَاهِلِيَّةً» **And whosoever dies whilst he does not have a Bai'ah (pledge of allegiance to the Imaam) upon his neck, he dies a death of Jaahilliyah.**” [Muslim].

Indeed, Islam has defined the political and intellectual actions which the individual undertakes with the Hizb or the Jamaa'ah. They are not the actions that are required or requested from him in his capacity as an individual outside of this Hizb or Jamaa'ah and they are not the actions that are required of the State to undertake. In this way, each of these has its responsibility and each has its flock (i.e. area of responsibility). The Hizb must therefore be restricted in its actions to those that are considered to be from its responsibility according to the Shar'a because engaging in other actions would mean that it is engaged in that which is not from its responsibility in addition to these actions not being demanded from it in accordance to the Shar'a. This would impede the work of the Hizb and divert it from its Shar'i path and distract it from its main and fundamental work.

Similarly, Allah (swt) did not command the Hizb, in its capacity as a Hizb working to resume the Islamic life, to establish the Shar'iyah Hudood like cutting the hand of the thief or lashing and stoning the fornicator and adulterer. He (swt) did not request this from the members of the Hizb or the individuals of the Ummah because applying the Hudood is the responsibility of the State and it is not the responsibility of the Hizb.

This means that the Da'wah carrier is restricted and confined to undertaking those actions related to carrying the Da'wah alone. Indeed, it is obligatory whilst carrying the Da'wah in his capacity as an individual to abide by the Ahkaam Ash-Shar'iyah in all of his actions and statements whether this relates to being a guardian over the affairs of his family, like raising his children, seeking Rizq, helping the one in need and giving charity to the poor, or relates to his being characterised by honesty and integrity.

It is therefore a duty upon the Muslims, political parties and the groups, working to resume the Islamic life, to research, in a precise manner, the method that the Messenger of Allah (saw) followed in respect to establishing the Islamic State. They must understand the Shar'iyah texts related to this with a sound understanding. They must not mix between the action of the State and the actions of individuals on one side, and the actions of the Hizb from another. This is so that they can arrive at the same success and victory that he (saw) arrived at.

In conclusion, the reality that the Muslims are living in today, which is in need of being changed, resembles the reality that the Messenger of Allah (saw) found himself in within Makkah from the time that he was sent with the message. As such, it is necessary for the carriers of the Da'wah working to bring change to fully perceive this reality. This is so that they can investigate and study the evidences and the Ahkaam Shar'iyah that apply upon this reality and so that they can abide by the Shar'iyah methodology in the work to bring change (Revival). This is to work in the society just as the Messenger of Allah (saw) undertook it in Makkah in accordance to the stages and steps undertaken by Rasulullah (saw) as follows: Nuqtat-ul-Ibtidaa' (The starting point) which is the stage of concentrated culturing. This is followed by the Nuqtat-ul-Intilaaq (The launching or departure point) which leads to the stage of the Tafa'ul (interaction). This is then followed by the Nuqtat-ul-Irtikaaz (Support point) which leads to the stage of attaining the rule.

It is no secret from Muslims that Hizb ut Tahrir is the forerunner that does not lie to its people, and it is working to achieve its aim of resuming the Islamic way of life by establishing the second Khilafah Rashidah on the method of the Prophethood. It works day and night to achieve its aim with a firm and unshakable belief that Allah's promise to this Ummah of victory, empowerment and succession will not fail, and it will come on time set by Allah Almighty. There is no doubt that victory has one reason, which is that it is from Allah. Allah (swt) said: ﴿وَمَا النَّصْرُ إِلَّا مِنْ عِنْدِ اللَّهِ الْعَزِيزِ الْحَكِيمِ﴾ **“And victory is not except from Allah, the Exalted in Might, the Wise”** [Surah Aale-Imran 3:126].

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